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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

ALLAN BEEK,

Plaintiff and Appellant,

v.

CITY OF NEWPORT BEACH et al.,

Defendants and Respondents,

WILLIAM P. FICKER et al.,

Intervenors and Respondents.

G041074

(Super. Ct. No. 07CC12177)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING; NO CHANGE IN
JUDGMENT

It is ordered that the opinion filed herein on June 23, 2009, be modified as follows:

1. On page 2, first sentence of the first full paragraph, delete the phrase “next to the library in a four-acre portion” and substitute it with “in a portion” so the sentence reads:

In February 2008, after a spirited campaign, the voters in the City of Newport Beach (City) decided, by a 53 percent to 47 percent margin, to approve an initiative charter measure requiring that a new city hall be located in a portion of a 12-acre city-owned property in Newport Center.

2. On page 3, second sentence of the second full paragraph, delete the phrase “the Irvine Company remained on the deed for nearly another decade” and substitute it with “no grant deed was recorded for nearly a decade” so the sentence reads:

But, through an administrative oversight, no grant deed was recorded for nearly a decade.

3. On page 9, fourth sentence of the first full paragraph, delete the phrase “any prior use restrictions by mutual consent” and replace it with “it ‘in whole or in ‘part’ by mutual written and executed consent” so the sentence now reads:

Indeed, as far back as the 1993 Development Agreement, the parties reserved the right to amend it “in whole or in part” by mutual written and executed consent.

These modifications do not change the judgment. The petition for rehearing is DENIED.

ARONSON, J.

WE CONCUR:

RYLAARSDAM, ACTING P. J.

FYBEL, J.